

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO. 7:15-CR-00002-H-5


UNITED STATES OF AMERICA)	
)	
v.)	
)	<u>ORDER</u>
HARRY LANE HARDIE, JR.,)	
)	
Defendant.)	

This matter is before the court on Defendant's *Motion for Competency Evaluation* pursuant to 18 U.S.C. §§ 4241 and 4247(b) and (c). [DE-18]. Defendant's motion is not opposed by the government. For good cause Defendant's motion is ALLOWED and it is ORDERED that Defendant be committed to the custody of the Attorney General for a period not to exceed thirty (30) days, to undergo psychological and/or psychiatric examination. 18 U.S.C. § 4241. The court recommends that to the extent practicable such examination be conducted at FMC Butner.

The purpose of such examination shall be to determine whether there is reasonable cause to believe that Defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. At the conclusion of the examination, the examining licensed or certified psychiatrist or psychologist shall prepare a report pursuant to 18 U.S.C. § 4247(c), which shall be submitted to the court with copies provided to counsel for Defendant, J. Mark Herring, and to the Assistant United States Attorney designated to the prosecution of this case. The report of examination shall include the information set forth in 18 U.S.C. § 4247(c)(1), (2), (3), and (4)(A). Defendant's counsel shall be accorded continued access to Defendant during the evaluation period. The Clerk of Court shall schedule a hearing on the issue of Defendant's competency upon the completion of the exam ordered herein. The delay occasioned by the granting of the motion is hereby

excluded from computation for speedy trial purposes pursuant to 18 U.S.C. § 3161(h). The undersigned finds, after weighing all relevant factors, that the interests of justice are best served by granting the motion.

SO ORDERED, the 14th day of January 2015.



Robert B. Jones, Jr.
United States Magistrate Judge